

Message Text

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SUBJECT: PROPOSED MOVE OF UN INTERNATIONAL TRADE LAW
BRANCH TO VIENNA

1. BEGIN SUMMARY: AMERICAN BAR ASSOCIATION AND OTHER MAJOR
US LEGAL GROUPS HAVE SUBMITTED RESOLUTIONS TO SECSTATE
MAINTAINING THAT PROJECTED MOVE TO VIENNA OF NEW YORK BASED
INTERNATIONAL TRADE LAW BRANCH WILL HAVE A SUBSTANTIALLY
ADVERSE EFFECT UPON ITS FUNCTIONING. CONSEQUENTLY THEY
OPPOSE THE MOVE. DEPT IS CONSIDERING SUGGESTING TO UN
SECRETARIAT THAT, WHILE UNCITRAL REMAIN ON REMOVAL LIST,
IT ACTUALLY BE MOVED LAST. ACTION REQUESTED: IN VIEW
AUSTRIAN SENSITIVITIES ABOUT CHANGES IN MOVE PLANS, EARLY
EMBASSY COMMENT ON THIS QUESTION IS REQUESTED. END SUMMARY
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2. MAJOR THRUST OF OBJECTORS TO PROPOSED UNCITRAL MOVE
IS THAT NEW YORK, AS A MAJOR CENTER OF WORLD TRADE, HAS
AVAILABLE FOR BRANCH USE FACILITIES, EXPERTISE, KNOWLEDGE
AND RESOURCES THAT, THEY CLAIM, APPEAR TO BE ALMOST
TOTALLY LACKING IN VIENNA. AMONG MOST SERIOUS REPORTED
VIENNA DEFICIENCIES IS LACK OF LIBRARY RESOURCES FOR

RESEARCH IN INTERNATIONAL AND COMPARATIVE TRADE LAW.
OBJECTORS MAINTAIN THAT THE WORK OF THE BRANCH IS HEAVILY
DEPENDENT ON READY ACCESS TO A WIDE VARIETY OF LEGAL

MATERIALS WHICH NEW YORK, WITH THE RESOURCES OF COLUMBIA,
NYU, LOCAL BAR ASSOCIATIONS, THE NYPL, AND THE UN
LIBRARY, CAN PROVIDE. THEY CLAIM THAT LIBRARY RESOURCES
IN VIENNA LACK STATUTES, TRADE REGULATIONS AND JUDICIAL
DECISIONS OF THE COUNTRIES OF THE WORLD IN THE ENGLISH
AND FRENCH LANGUAGES, AND THAT IT WILL BE NECESSARY TO
ESTABLISH AN ADEQUATE TRADE LAW LIBRARY THERE. SOME
MINIMUM COST ESTIMATES FOR SUCH A LIBRARY EXCEED ONE
MILLION DOLLARS.

3. ONE THE ONE HAND IT IS WONDERED WHETHER THE TRANSFER
OF A VERY LIMITED NUMBER OF POSITIONS IS WORTH THIS
EXPENSE. IT IS BEING CONSIDERED WHETHER THE CONSEQUENCES
OF UNCITRAL SHIFT TO VIENNA SHOULD BE BROUGHT TO THE
ATTENTION OF THE UN SECRETARIAT AT A HIGH LEVEL, WITH
THE SUGGESTION THAT, WHILE UNCITRAL REMAIN ON THE REMOVAL
LIST, IT ACTUALLY BE MOVED LAST, IN THE HOPE THAT, BY
THEN, THE VIENNA OFFICES WILL OTHERWISE HAVE BEEN FILLED.
SUPPORTERS OF THIS ACTION BELIEVE THAT THE DEPARTMENT
SHOULD NOT NOW DEPART FROM ITS POSITION OF RESPECTING
THE MANAGERIAL JUDGMENTS OF THE SECGEN IN DEALING WITH
THE MOVEMENT OF SECRETARIAL UNITS NOR OF OUR SUPPORT FOR
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VIENNA AS A THIRD UN CITY. HOWEVER, THEY POINT OUT THAT
APPARENTLY THE COSTS OF LIBRARY FACILITIES WERE NOT
CONSIDERED WHEN THE UNGA DECISION TO INCLUDE UNCITRAL
WAS MADE AND THAT THE PROPOSED APPROACH IS NOT
INCONSISTENT WITH GENERAL USG POLICY SINCE ALL THAT IS
SUGGESTED IS THAT UNCITRAL BE THE LAST OF THE UNITS
ACTUALLY TO BE MOVED.

4. ON THE OTHER HAND, IT IS SUGGESTED THAT THIS APPROACH
COULD BE CONSTRUED AS A COURSE WHICH WE HAVE REPEATEDLY
TOLD AUSTRIA, SWITZERLAND, THE UN AND CONCERNED US GROUPS
WE WOULD NOT FOLLOW, AND COULD DAMAGE DEPARTMENT
CREDIBILITY. OTHER GROUPS DUE TO MOVE TO VIENNA WILL
ALSO WANT THEIR SPECIAL INTERESTS PROTECTED, AND WE WILL
BE UNABLE TO DELIVER. THE QUESTION IS WHETHER THE SPECIAL
CONSIDERATIONS SET FORTH ABOVE SUFFICIENTLY DISTINGUISH
THIS CASE FROM OTHERS.

5. ACTION REQUESTED: IN VIEW AMBASSADOR WOLF'S
INTEREST IN THE DEVELOPMENT OF THE UN CENTER IN VIENNA AND
AUSTRIAN SENSITIVITIES, DEPARTMENT WOULD APPRECIATE EARLY
EMBASSY COMMENT ON RELEVANT VIENNA LIBRARY FACILITIES AND

THE DESIRABILITY OF ABOVE APPROACH TO UN SECRETARIAT.

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